



# Marion Superior Court Executive Committee 2011-2012

Presiding Judge John Hanley

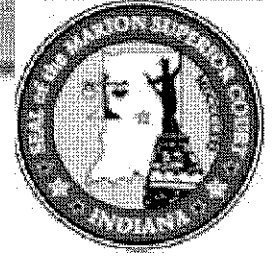
Associate Presiding Judge David Certo

Associate Presiding Judge Becky Pierson-Treacy

Associate Presiding Judge Marc Rothenberg

200 East Washington Street, T-1221

Indianapolis, Indiana



## Marion Superior Court

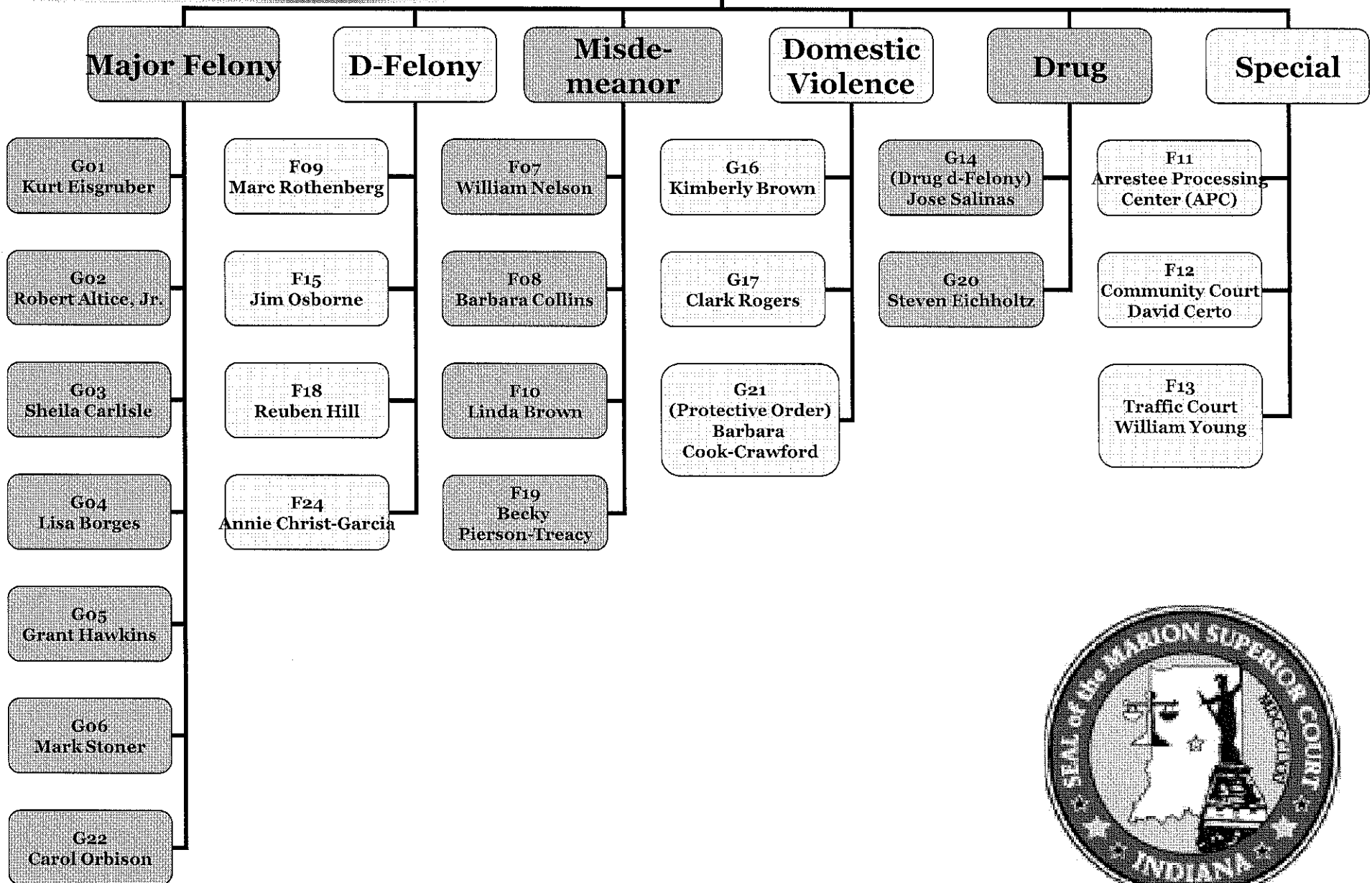
- The Marion Superior Court is one of **92** county court systems in the State but handles approximately **24%** of all cases filed and disposed in Indiana each year.
- The Superior Court is comprised of **36** elected Judges, **29** commissioners and magistrates and approximately **750** staff employees.
- The Court has **4** divisions (Civil, Criminal, Juvenile and Probate) and several departments (Probation, Juvenile Detention, Domestic Relations Counseling Bureau, Interpreters, Court Administration).
- Each year the Court will resolve almost 60,000 criminal cases, 50,000 civil cases, and 200,000 traffic cases.



# Marion Superior Court

- Civil Division –
  - Handles general civil cases, contract and accident lawsuits, environmental cases and family law matters.
- Criminal Division –
  - Handles all criminal charges filed in Marion County by the Prosecutor's Office.
  - Major Felonies (A-C), D Felonies, Misdemeanors, Domestic Violence, Drug, and Traffic cases
- Juvenile Division –
  - Handles criminal offenses committed by minors and civil cases involving Children In Need of Services (CHINS). Juvenile Court appoints most Guardians ad litem (GAL)
- Probate Division –
  - Handles wills, trusts, adoptions, and civil commitments.

# Criminal Division



# Civil Division

## General Jurisdiction

## Specialized

**D01**

**Hon. David Shaheed**

**D02**

**Hon. Theodore Sosin**

**D03**

**Hon. Patrick McCarty**

**D04**

**Hon. Cynthia Ayers**

**D05**

**Hon. Robyn Moberly**

**D06**

**Hon. Thomas Carroll**

**D07**

**Hon. Michael Keele**

**D10**

**Hon. David Dreyer**

**D11**

**Hon. John Hanley**

**D12**

**Hon. Heather Welch**

**D13**

**Hon. S.K. Reid**

**D08 - Probate**

**Hon. Gerald Zore**

**D09 - Juvenile**

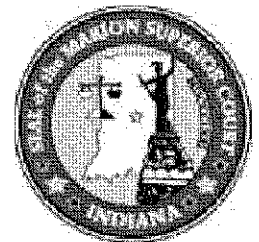
**Hon. Marilyn Moores**

**F12 - Environmental**

**Hon. David Certo**

**Title IV-D**

**Com. Jason Reyome**





## Potential Sentences in Criminal Cases

Murder- 45 to 65 years, fines to \$10,000

A Felony- 20 to 50 years, fines to \$10,000

B Felony- 6 to 20 years, fines to \$10,000

C Felony- 2 to 8 years, fines to \$10,000

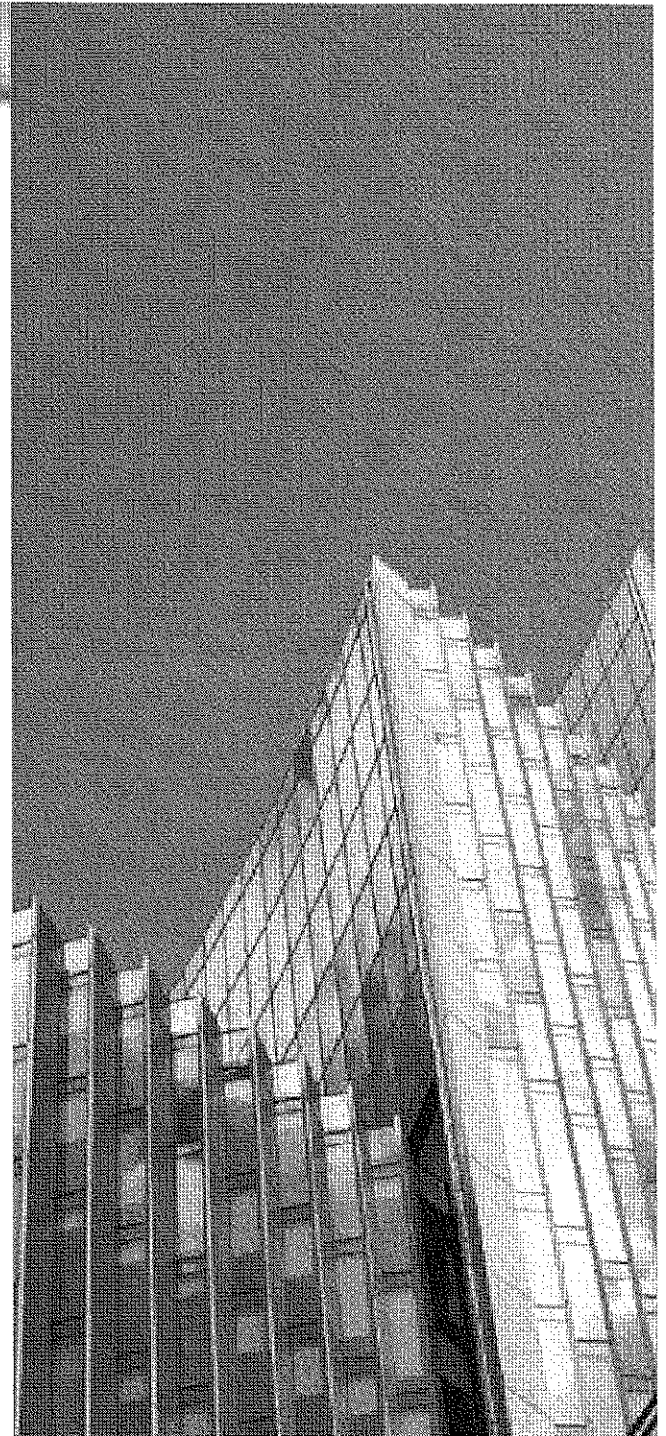
D Felony- 1/2 to 3 years, fines to \$10,000

A Misdemeanor- max 1 year, \$5,000 max

B Misdemeanor- max 180 days, \$1,000 max

C Misdemeanor- max 60 days, \$500 max

\*Sentences less than 1 year are usually  
served in County jail; more than 1 year  
usually go to IN Department of Correction





## Marion County Probation Department

- Supervises approximately 7,000 adults and more than 2,250 juveniles by order of Criminal Courts
- Probation Officers must be college graduates, qualify for State certification in addictions, and be paid according to State mandate
- Home visits, pre-sentence reports, runaway & juvenile supervision

## Marion County Juvenile Detention Facility

- Operating under administrative cap of 96 juveniles
- 24 hour custodial facility includes school, health care, dining, housing, and treatment programs





## **Superior Court Annual Budget**

- Courts Division - \$19,181,392 or 35%
- Probation Division - \$17,824,142 or 33%
- Juvenile Detention Division - \$11,750,832 or 21%
- Admin Division-\$6,187,640 or 11%

(Includes all funds-Adult & Juvenile Probation, State, Federal & Local Grants, Fine, Fees, etc.)





## Potential Budget Problems- Current Fiscal Year

- New CHINS cases filed by the State have increased 14% year-to-date, and cases usually require at least one Guardian ad litem. The cost of GALs was not fully funded from 2011, and this year's trend pushes the anticipated shortfall to approximately \$920,000 by the end of 2012.
  - The waiting list for children who need GALs has been eliminated.
  - This essential function is a responsibility of the entire County, not just the courts!
- Court employee insurance cost increases of \$295,000 are not funded in 2012 budget
  - Court staff have not received a raise for cost of living in the last 9 years
- Probation Officer salary increases mandated by the Indiana Judicial Center exceeded expectations and will cost approximately \$250,000 in 2012 and \$600,000 in 2013.
- Revenues remain unpredictable but down across many funds, including Probation fees, while expenses for interpreters, jury costs, and psychiatric evaluations increase

# Budget Issues-2012-2013

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## 2011 Budget Issues

Guardian Ad Litem funding for 2011 was provided by the Court encumbering funds left over at the end of 2010. The Court exhausted all of its resources including spending down of the Guardian Ad Litem fund balance and utilizing an existing encumbrance to pay as much of the obligation as possible. The obligation that remains at the end of 2011 is \$232,400.81. The Court needs to find a permanent funding source for this obligation. It is clear based on revenues coming into the Commissioner Guardian Ad Litem fund in 2011 that there will not be enough revenue to cover both obligations. The first obligation of this fund is to cover the required increase in salaries and benefits for commissioners.

## 2012 Budget Issues and Recommendations

Based on the changes made to the Court Budget by the Controller and Council, there is \$2.4M in appropriations to pay the Guardian ad Litem charges in 2012. In 2011, it was necessary to use the fund balance completely in the Guardian Ad Litem fund in order to pay the 2011 charges for GAL. Therefore we have only \$2.25M to pay (including the State portion) to pay projected charges of \$2.7M based on 2011 Chins cases filed. This would leave us with a shortfall of \$492,810.

The GAL numbers through the first four months of 2012 are not encouraging. We are up nearly 15% in GAL cases filed. There were 759 filed in 2011 and 866 filed in 2012. If this holds true for the remainder of the year and an additional 352 cases are filed in excess of the 2011 total of 2348, there would be an addition of \$195,471 charges to be paid. This would bring the entire outstanding amount at the end of 2012 to \$920,682. This shortfall could affect the General Fund balance.

We start 2012 with a shortfall of \$395K for additional health care costs that were not covered in the 2012 budget. These are general fund dollars.

The Council moved \$875K out of the 2012 budget in the General Fund in character 03 services into the Guardian Ad Litem fund to cover the Guardian Ad Litem costs at juvenile. This means that the Court will face a shortfall of appropriations beginning 3rd quarter of 2012 to cover costs such as interpreters, psychological evaluations and testimony, jury meals and any other contractual costs. The recommendation is to work with the providers including the psychiatrists and psychologists to cut the cost of the evaluation to the Court along with the need to provide testimony in court, if possible. The same holds true for interpreters. Scheduling may be an opportunity to save additional funds. We are working with several providers to determine if this can be done.

Based on the payments made through the first quarter 2012, we anticipate the shortfall could be as high as \$750K. We believe that we will hit budget gridlock early in the third quarter of 2012. That is we will have to move money on a regular basis to get our providers paid. These are general fund dollars.

On the interpreter side, we are using the State's language line account which is assisting in keeping the invoices for the APC low at this time. Lourdes is also doing a great job of managing in order to keep the outside providers' bills low as well.

We are working to bill internal clients for their use of our copying machines which is something we have not done for the last three years. This will include the Clerk, Prosecutor and Public Defender as the biggest users. But other internal and external users will be billed as well.

From the revenue side, it will be vitally important to ensure that revenues are being generated to cover the budgeted revenues in 2012. If revenues fall short, it may be necessary to make reductions to appropriations to cover those revenue shortfalls. Otherwise, fund balances will be nonexistent.

Court staff, support staff for Probation and the Detention Center staff have not received cost of living adjustments for nine years.

### 2013 Budget Issues

The Guardian Ad Litem funding was obtained in the 2012 budget by using one time budget measures for example, the fund balance in the Commissioner Guardian Ad Litem fund and the use of appropriations from the General Fund. There is a substantial need to find permanent funding for this County obligation.

The Jury Pay Fund will only be able to use the current revenues generated in 2013 as we expect the fund balance to be completely utilized in 2012. This means that some of the juror costs will likely need to be funded from the General Fund in 2013.

There may be small fund balances in some of the other funds including Juvenile Probation and Alcohol & Drug Services and it is expected that OFM may require those to be used to support ongoing operations of the Probation Department. This will cause problems in the 2013 budget and beyond as there will be little or no safety net for the Court. This could result in fewer dollars available to pay probation salaries which could shift the funding back to the General Fund and the General Fund has substantial revenues issues as well.

The cost of state mandated salary increases for Probation Officers runs between \$250 and \$500K annually including the cost of PERF and FICA-this is the amount without any annual increases. The Indiana Judicial Center has released the 2013 salary schedule and it includes a 2.2% increase across the board for all probation officers. This will increase our potential increase to \$600K for 2013. The only way to arrive at the dollars necessary are by participating in a hiring freeze of sorts and eliminating existing positions as long as workloads and caseloads are appropriate. The collections in this fund are down substantially from a high in 2008 of \$2.4M to \$1.995M last year. If revenues continue to fall in this fund, we may face additional cuts that are necessary simply to balance the budget.